



City of Ansonia
INLAND WETLANDS COMMISSION

253 Main Street
Ansonia, Connecticut 06401

November 4, 2010

Regular Meeting

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Elizabeth Lynch
Asst. TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

Present: Tim Holman, Vice-Chairman
Kevin Cegelka
John Jones
David Madar
Ed Phipps

Others Present: Fred D'Amico, City Engineer
James Tanner, ZEO/Blight Officer
Thomas Welch, IWC Attorney
Steve Blume, Pres. Board of Aldermen

The regular meeting of the Ansonia Inland Wetlands Commission was called to order at 7:00 p.m. by Vice-Chairman Holman.

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll. There was a quorum present.

There was a discussion on the number of members needed for a quorum. For a seven member Board the required number present would be four members to constitute a quorum.

Minutes

Mr. Phipps made a motion to accept as written and place on file the minutes of the October 7, 2010 regular meeting. Mr. Cegelka seconded. All in favor, so carried.

Bills

Mr. Phipps made a motion to pay all bills if found to be correct. Mr. Madar seconded. All in favor, so carried.

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Correspondence

Mr. Phipps made a motion to accept all of the correspondence received, dispense with the reading, and place them on file. If a member requests one read or acted upon the correspondence will be brought up individually. Mr. Cegelka seconded. All in favor, so carried.

1. Fred D'Amico re: 28 Moulthrop Street, Ansonia dtd. 10/29/10
2. Southwest Conservation District/Roman Mrozninsky re: 17 Hodio Drive, Ansonia
3. Mutual Housing re: request for release of bond

Public Session

Vice-Chairman Holman asked three (3) times if there was anyone from the public who wished to address the commission. There was no one.

Mr. Jones made a motion to close the public session. Mr. Phipps seconded. All in favor, so carried.

Diane Lord, Attorney/A. Tkacs request for IWC Permit for 17 Hodio Drive (Court order)

Diane Lord was present.

Ms. Lord said she received a copy of the Southwest Conservation District report and she has reviewed it. She noted that it is more extensive than Mr. Swift's proposal. She has a few issues. She said that she sees no need to move the shed if the roof drains will be put on there. She said she doesn't see why the Southwest plan is better than Mr. Swift's plan or that it will be effective.

Mr. D'Amico said he and Mr. Tanner walked the site. The shed is on the edge of the property and there is erosion. Southwest is proposing the shed is moved approximately 10 feet forward. You can pull the shed forward because it is not on a foundation. There is erosion right there mostly in that one area. It was agreed not to remove all the fill in the wetland but to leave it as it is. He said he and Jim talked to Mr. Mrozinski on this. Mr. Mrozinski wants a drain and swale at the top of slope. The water is running down the slope. He is proposing a swale and pipe to go back behind where the shed is located now and bring the water down to the wetland area. This will prevent any erosion in the future – then put rip rap on the slope. He recommended pipe (12”) and rip rap to the bottom and put in rip rap at the outlet where the pipe exits from the swale up above.

Mr. Tanner said Mr. Mrozinski is looking for an energy disperser at the bottom of the slope.

Mr. D'Amico said and an energy dissipater.

Ms. Lord said if you want pipes along the property line and down the hill why move the shed.

Mr. Madar said the shed was moved.

Mr. D'Amico said the shed on the plan was already moved – we are asking to move it the width of the shed.

Ms. Lord asked why Mr. Swift's plan was inadequate.

Mr. D'Amico said it didn't address the erosion in back of the shed and in the middle of the slope. When you build the swale it will prevent other future erosion. The erosion will eventually get worse and worse by leaving the rest of the slope alone without a swale and rip rap.

Mr. Cegelka said the neighbors complained about this. Can the neighbor do the same thing on their property.

Mr. D'Amico said no, not without a permit. He said the best thing for the environment Southwest Conservation District feels is to leave it where it is and do remediation to protect the wetlands. The slope is stable and will stay in tact.

Mr. Phipps said there will be no more erosion into the wetlands.

Mr. Jones asked if there were any analysis of the soils.

Mr. D'Amico said they did do a test boring on the top and there is broken concrete. If you start to dig and disturb the area it would be worse. There is broken debris and if you try to dig it up you will make a bigger mess.

Mr. Madar asked if we ever found out where the fill came from.

Mr. D'Amico said no. There is no wood in the fill – they found asphalt and concrete. The area is stabilized. They did do this filling without a permit but the best action is, if they agree to do it, is to follow the recommendations made by Southwest Conservation District rather than go to court.

Mr. Jones said this is the third recommendation from a person saying to leave it alone rather than dig it up. They all say the same thing. He said are we clear with the Nature Center – does Ms. Lindgren agree.

Mr. D'Amico said the Nature Center is aware of it. The Board of Aldermen and the Nature Center are aware that it is City property and they have no problem with the fill remaining in the wetland area. They say to leave it as is.

Mr. Holman said the recommendation is to leave it as is and to follow the recommendations on the Southwest Conservation report and the City Engineer's recommendations. Once the changes are made we will make a decision.

Ms. Lord said that could be a permit condition regarding making the changes per Southwest and the City Engineer.

Attorney Welch said there is an application pending from Ms. Lord's client. He said the Commission can make a decision granting a permit based on the plans and work being done according to the plans and recommendations of the City Engineer and Southwest Conservation District.

Mr. Phipps made a motion to grant an Inland Wetlands permit to do the work as proposed by and recommended by the Southwest Conservation District and the City Engineer's recommendation. Mr. Jones seconded. All in favor, so carried.

Mr. Cegelka said they would need to post a bond.

Vice-Chairman Holman said the bond should be at least \$10,000.

Mr. Jones said the Commission always requires a cash bond.

Mr. Madar asked if \$10,000 cash bond would be enough.

Mr. D'Amico said yes.

Mr. Cegelka made a motion to amend the original motion to include the \$10,000 cash bond. Mr. Phipps seconded. All in favor, so carried.

Mr. Jones made a motion to amend the amended motion to include the \$500 permit fee. Mr. Madar seconded. All in favor, so carried.

Ron Rohinsky/95 Netop LLC (Stephen Zuber, owner) request for IWC permit for rear lot located on 28 Moulthrop Street (9/2/10)

Mr. Ron Rohinsky from 95 Netop LLC and Mr. Stephen Zubar were present.

Mr. D'Amico submitted a letter regarding 28 Moulthrop Street. He said there was some confusion at last months meeting. He said his statement at the site inspection was to put the house so the footings were not on the fill portion of the land. He said to move the detention facilities because if there was a failure it would over flow to Moulthrop Street. He said to move the detention facility to the southeast side which would be at the low point.

Mr. D'Amico said Mr. Rohinsky made all the changes on the map as recommended. There are no wetlands on the lot.

Mr. Jones asked if there is no net increase in flow from the site.

Mr. D'Amico said the roof drains and footing drains are going into the storm water retention facility.

Mr. Rohinsky said yes, the drainage system is built for up to a 100 year storm calculation. There are no wetlands on the site.

Mr. Jones made a motion to accept the application for an IWC permit for a regulated activity for property located at 28 Moulthrop Street for a single family dwelling as substantially complete and to classify the application as a Class B – regulated activity. Mr. Phipps seconded. All in favor, so carried

Vice-Chairman Holman said for a Class B regulated activity there is a cash bond.

Mr. D'Amico suggested the standard bond of \$5000.

Mr. Phipps made a motion to approve with conditions the application for a Class B permit for construction of a single family house located at 28 Moulthrop Street. Mr. Cegelka seconded. All in favor, so carried.

Mr. Phipps made a motion to amend the original permit to include the \$500 permit fee and the \$5000 cash bond. Mr. Cegelka seconded. All in favor, so carried.

Conditions:

1. All the Class B permit conditions that are applicable to the application will be incorporated into this permit.
2. Silt Fence and hay bales are installed as needed for erosion and sedimentation control during construction.
3. Anti-tracking mud apron will be installed.
4. Permit fee \$500
5. Cash bond is \$5,000

Violations

34 Benz Street (Marcucio)

Mr. Jones asked if there was anything on Benz St.

Attorney Welch said this case has been settled. There was a stipulation back in December 2007. The determination on January 3, 2008 was the applicant would submit a map to delineate the

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wetland boundaries. I have all of this information in the file. Nothing has taken place since. We agreed to this on the record and I have the information.

Attorney Welch said he didn't know exactly what the Commission wanted done. This has been resolved according to Mr. Crabtree. Is there something there on the site that requires a Wetlands permit.

A discussion followed on the violation and the condition of the property when the Commission members conducted a site inspection. The Commission members said that they have never received this information that Attorney Welch has.

Attorney Welch said that he would make up packets for each member and forward it to them for their review. He said Mr. Crabtree said it was all set.

There was discussion on what the commission could do to stop these violations. Vice-Chairman Holman suggested fines. Attorney Welch said that the Commission did just that. He explained what the applicant had to do to satisfy the court agreement. He said he will send the packets containing the information to the members for the next meeting.

Mr. Tanner said he discussed this case with Mr. Crabtree and went out to the site for a site inspection. Mr. Crabtree showed him the changes and the vegetation growing in the wetlands. The area was cleaned up – there were no tires, etc. They went to the edge of the wetland down to the Plastic houses.

Vice-Chairman Holman said there is a list of things that were to be addressed. He said the commission should schedule a site inspection.

Mr. Cegelka said Mr. Crabtree is saying that all of the work and clean up is completed.

Mr. Madar said the commission members asked every month and Mr. Crabtree never said anything to the members.

Vice-Chairman Holman said he thought it was in Court because Mr. Crabtree always said it is in Court.

Attorney Welch said it is in court but nothing has been done.

Vice-Chairman Holman said as a commission we have the right to go on property for a site inspection where there is a violation. He said he would like to get the badges done and to the members.

There was discussion on the members receiving badges for identification.

Any other business to come before the Commission

Thank You

Vice-Chairman Holman said that everyone is aware that our former Chairman David Knapp has resigned. He said the Commission would like to wish him the best.

Mr. Cegelka made a motion to send a letter to Mr. Knapp thanking him for his service to the Commission. Mr. Phipps seconded. All in favor, so carried.

Educational Seminar

Mr. Tanner advised the Commission members that there will be a seminar on March 12, 2011 at Wesleyan College for Conn. Law and what to do and not do. The course takes in everything. He said there are 250 seats and he wants to get our names in soon.

Spring Street

Mr. D'Amico said that he and Mr. Tanner walked the property and there seems to be water coming down from property above. He said they will go up there and investigate where this additional water is coming from. It seems that someone has changed something and there is water coming down the hill.

Mutual Housing

Mr. Jones said that the project has not been finished for a year. The Commission policy is that before the bond can be released it has to be at least a year from the completion of the work. He asked Mr. D'Amico if the wall and parking lot was just finished last month.

Mr. D'Amico said that the wall and parking lot was just finished a month or so ago.

Mr. Phipps made a motion not to release the bond at this time. Mr. Jones seconded. All in favor, so carried.

Spectrum Plastics

The secretary received a call from Spectrum Plastics regarding the discharge of chemicals from their system. There was inquiry in April 2010 from a company in Rochester, New York. An application and information packet was sent to this firm. There was no response to date. Spectrum Plastics was advised that they would have to come before IWC and WPCA for discharge into the drainage/sanitary sewer system.

Mr. Cegelka made a motion to send a letter to Spectrum Plastics advising them they must come before IWC and WPCA to explain their process. Copy: Mayor, BoA, WPCA, PWD, Fire Dept. Mr. Phipps seconded. All in favor, so carried.

December Meeting

The December meeting will be held on Thursday, December 2, 2010 at 7:00 p.m.

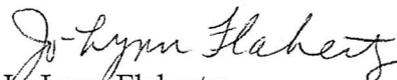
Executive Session (if needed)

None.

Adjourn

Mr. Phipps made a motion to adjourn the meeting at 7:55 p.m. Mr. Jones seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary